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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,359	12/01/2000	David Helm	CM04662H	4118
22917	7590	04/19/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			MEHRA, INDER P	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,359

Applicant(s)

HELM ET AL.

Examiner

Inder P. Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,9-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6,9-12,14-21 and 23 is/are allowed.
- 6) ☒ Claim(s) 22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 4/14/06.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This is in response to Appeal Brief filed 1/14/06., which has been fully considered and made of record. Based on this Appeal Brief, claims 2-6, 9-12, and 14-24 are now pending.
2. The finality of the rejection of the last Office action dated 8/16/2005 is withdrawn to write office action, as follows:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22 is rejected under 35 U.S.C. 102(b) as being anticipated by **Cotton et al** (US Patent No. 4,740,954), hereinafter, Cotton.

For claim 22, Cotton discloses, “A communication system”, refer to figs. 1-3, col. 3 lines 40-45, comprising:

- a controller (rout controller, abstract, col. 2 lines 30-32) being operable to identify a multicast group address (M, fig. 1, col. 3 lines 58-60) to be used for distributing packet information to participating receiving devices (routing of packets, col. 2 lines 30-31), wherein the participating receiving devices (hosts A-D) are end pints (hosts A-D, fig. 1) of the commemoration system (network, fig. 1) that source and receive packets on the multicast group address, (refer to col. 3 lines 55-60;

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- a multicast packet network for distributing the multicast group address (M, fig. 1) to the participating receiving devices, the packet network being adapted to set up a multicast distribution tree between participating receiving devices (fig. 1) having successfully joined the multicast group address (abstract, col. 3 lines 10-15; and
- means for determining whether the participating receiving devices have joined the multicast group address based on whether the participating receiving devices receive any packets on the multicast group address before expiration of a designated time period (col. 3 lines 35-45).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cotton, as above, in view of Ryu et al** (US Patent No.6,847,633), hereinafter Ryu .

For claim 24, Cotton discloses all the limitations of subject matter of claim 24, with exception of the following limitations, which are disclosed by Ryu, as follows::

- wherein the first and second hosts are selected from the group consisting of: a portable wireless communication device, a mobile wireless communication device, --
-and a gateway, (cellular phone 102, figs 1 and 4, col. 6 lines 29-31)

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A person of ordinary skill in the art would have been motivated to employ Maher's talk group into Cotton's multicast routing algorithm in order to have the capability of (selecting from the group consisting of: a portable wireless communication device, a mobile wireless communication device, ---and a gateway"), as taught by Ryu. The suggestion/ motivation to do so would have been to have the benefit of achieving seamless integration of cellular networks with the global Internet by supporting mobile and multicast IP services.,.

Allowable Subject Matter

7. Claims 2-6, 9-12, 14-21 and 23 are allowed.
8. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly or indirectly the following limitations along with other limitations of network:

As recited by claim 2;

- receiving indicia that a second host is actively sourcing one or more packets addressed to a multicast group address, wherein the second host is an end point of the multicast network;
- if any packets are received by the first host within the designated time period, determining that the first host is joined to the multicast group address ; otherwise, if any packets are not received by the first host within the designated time period, determining that the first host is not joined to the multicast group address".

As recited by claim 15,

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- issuing, by the second host, a join command to the one or more network devices in an attempt to join the first multicast group address;
- determining whether any packets are received by the second host within a designated time period associated with the attempt; and
- if any packets are received by the second host within the designated time period, determining that the second host is joined to the first multicast group address; otherwise, if any packets are not received by the second host within the designated time period, determining that the second host is not joined to the first multicast group address;
- sending, from the second host to one or more network devices, packets addressed to the second multicast group address;
- issuing, by the first host, a join command to the one or more network devices in an attempt to join the second multicast group address;
- determining whether any packets are received by the first host within a designated time period associated with the attempt; and
- if any packets are received by the first host within the designated time period, determining that the first host is joined to the second multicast group address; otherwise, if any packet are not received by the first host within the designated time period, determining that the first host is not joined to the second multicast group address.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments filed 1/14/05, in regard to claims 2-6,9-12, and 14-24 have been fully considered but are moot in view of the new ground(s) of rejection..

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder P. Mehra 4/14/06
Inder P Mehra

Examiner
Art Unit 2616

Seema S. Rao
SEEMA S. RAO 4/17/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600